

House File 479 - Introduced

HOUSE FILE 479

BY ISENHART

A BILL FOR

1 An Act relating to enforcement of federal immigration laws by
2 the state, counties, and cities, creating an immigration
3 enforcement reimbursement fund, and making an appropriation.
4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

1 Section 1. NEW SECTION. 70A.41 State and local enforcement
2 of federal immigration law.

3 1. The state, a county, a city, or any agency or employee
4 thereof shall not engage in any action to enforce any federal
5 immigration law unless, pursuant to statute, regulation, or
6 memorandum of understanding, the following conditions have been
7 met:

8 a. A federal agency has agreed to fully reimburse the state
9 for any expenditures, including legal costs and reimbursement
10 costs pursuant to section 80.46, incurred through enforcement
11 of any federal immigration law by the state, a county, or a
12 city.

13 b. A federal agency has agreed to defend the state, county,
14 or city in the event of any legal action taken against the
15 state, county, or city as a result of enforcement of any
16 federal immigration law, and to fully indemnify the state,
17 county, or city for any liability imposed in the course of such
18 a legal action.

19 2. A county or city may submit a claim for reimbursement
20 of any expenditures, including legal costs, incurred through
21 enforcement of any federal immigration law to the department of
22 public safety pursuant to section 80.46.

23 Sec. 2. NEW SECTION. 80.46 Immigration enforcement
24 reimbursement fund — appropriation.

25 1. An immigration enforcement reimbursement fund is created
26 in the state treasury under the control of the department. Any
27 moneys appropriated or credited to the fund, including any
28 federal moneys, are appropriated to the department of public
29 safety to reimburse counties and cities for their expenditures,
30 including legal costs, incurred through enforcement of any
31 federal immigration law.

32 2. Notwithstanding section 12C.7, subsection 2, interest
33 and earnings on moneys deposited in the fund shall be credited
34 to the fund. Notwithstanding section 8.33, moneys remaining
35 in the fund at the end of the fiscal year shall not revert to

1 any other fund but shall remain available to be used for the
2 purposes specified in subsection 1.

3 3. The department shall adopt rules pursuant to chapter 17A
4 to administer this section, including but not limited to rules
5 for all of the following:

6 a. Procedures for submission, verification, and payment of
7 claims by counties and cities for reimbursement pursuant to
8 this section.

9 b. Acceptable documentation of expenditures, including legal
10 costs, incurred through enforcement of any federal immigration
11 law.

12 c. Appeal procedures for determinations made by the
13 department pursuant to this section.

14 4. There is hereby appropriated to the department for
15 purposes of the immigration enforcement reimbursement fund
16 out of any moneys in the treasury not otherwise appropriated
17 an amount sufficient to reimburse counties and cities for
18 their expenditures, including legal costs, incurred through
19 enforcement of any federal immigration law.

20 EXPLANATION

21 The inclusion of this explanation does not constitute agreement with
22 the explanation's substance by the members of the general assembly.

23 This bill prohibits the state, a county, a city, or any
24 agency or employee thereof from engaging in any action to
25 enforce any federal immigration law unless, pursuant to
26 statute, regulation, or memorandum of understanding, two
27 conditions have been met.

28 A federal agency must have agreed to fully reimburse the
29 state for any expenditures, including legal costs and the cost
30 of state reimbursement of counties and cities pursuant to the
31 bill, incurred through enforcement of any federal immigration
32 law by the state, a county, or a city. A federal agency must
33 also have agreed to defend the state, county, or city in the
34 event of any legal action taken against the state, county, or
35 city as a result of enforcement of any federal immigration law

1 , and to fully indemnify the state, county, or city for any
2 liability imposed in the course of such a legal action.

3 The bill permits a county or city to submit a claim for
4 reimbursement of any expenditures, including legal costs,
5 incurred through enforcement of any federal immigration law to
6 the department of public safety as provided in the bill.

7 The bill creates an immigration enforcement reimbursement
8 fund in the state treasury under the control of the department
9 of public safety. Any moneys appropriated or credited to the
10 fund, including any federal moneys, are appropriated to the
11 department of public safety to reimburse counties and cities
12 for their expenditures, including legal costs, incurred through
13 compliance with enforcement of any federal immigration law.
14 The bill requires the department to adopt rules relating to
15 claims for reimbursement submitted pursuant to the bill.

16 The bill creates a standing unlimited appropriation to
17 the immigration enforcement reimbursement fund sufficient to
18 reimburse counties and cities for their expenditures, including
19 legal costs, incurred through compliance with any federal
20 immigration law.